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8 **UNITED STATES BANKRUPTCY COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11 In re  
12 PG&E CORPORATION,  
13 And  
14 PACIFIC GAS AND ELECTRIC COMPANY,  
15 Debtors.  
16 X – Affects Both Debtors

**CASE NO. 19-30088-DM**

**MOTION PURSUANT TO FED. R.  
BANKR. 9006(b)(1) TO DEEM  
WILLIAM VICKER'S CLAIM TIMELY  
FILED**

Date: July 29, 2022  
Time: 10:00 a.m.  
Place: Via Telephonically  
450 Golden Gate Avenue  
Courtroom 17  
San Francisco, CA 94102  
Judge: Hon. Dennis Montali

Objection Deadline: May 31, 2022

1 Pursuant to Rule 9006(b) of the Federal Rules of Bankruptcy Procedure, Robert Vickers,  
2 authorized representative of William Vickers (deceased) moves for an order expanding time to file  
3 a Proof of Claim, and allow, Claim Number 82641, that was executed on October 19, 2019 (and  
4 submitted with this motion as “Exhibit A”), to be considered timely.

5 **I. SUMMARY OF ARGUMENT**

6 Under the flexible standard for excusable neglect, William Vicker’s claim should be  
7 allowed. William Vickers died December 21, 2018, before the proof of claim process was made  
8 available to the victims of the November 8, 2018 Camp Fire. The circumstances surrounding this  
9 case constitute excusable neglect pursuant to the standards set forth in *Services v. Brunswick*  
10 *Associated Ltd. Partnership* 507 U.S. 380 (1993). Allowing this case to proceed does not present  
11 any prejudice to the Debtors, nor does it delay the attendant judicial proceedings. This motion is  
12 made in good faith and to deny this claim would result in injustice to the Claimant. This motion is  
13 based upon the points and authorities set forth herein and concurrently.

14 **II. PROCEDURAL BACKGROUND**

15 On January 29, 2019, the Debtors, PG&E Corporation and Pacific Gas and Electric  
16 Company (“Debtors”) filed a voluntary Chapter 11 Petition. See Dkt. 1. On July 2, 2019, the Court  
17 entered an order establishing October 21, 2019 (“the Bar Date”) as the deadline for Fire Victim  
18 claimants to file proofs of claim in this bankruptcy. See Dkt. 2806. That deadline was extended to  
19 December 31, 2019 (“the “Extended Bar date.”). See Dkt. 4872.

20 **III. FACTUAL BACKGROUND**

21 William Vickers suffered a total loss of his home and all their belongings contained therein  
22 as a result of the November 8, 2018 Camp Fire (the “Fire”). William Vickers died approximately  
23 six (6) weeks after the fire. When the Proof of Claim process opened to claimants on January 24,  
24 2019, a month after their father’s death, Robert and John Vickers were focused on handling their  
25 father’s estate and affairs which, following their father’s death, fell squarely on them. The proof of  
26 claim (“POC”) process was completely foreign to them and, frankly, they were unsure it would yield  
27 anything in the way of compensation. Instead, they concentrated their attention on the insurance  
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1 claims which they were sure would result in some remuneration. Once Robert and John were able  
2 to address more pressing and immediate issues and they were able to get more comfortable with the  
3 FVT's process as more information had become available over the intervening months, they took  
4 the affirmative steps to file a proof of claim (See Declarations of Robert and John Vickers attached  
5 hereto, together with narratives of John, Robert and William Vickers submitted in support of their  
6 claims questionnaire (Exhibit "B")).

7 **IV. ARGUMENT**

8 The time in which to make claims in a Chapter 11 Bankruptcy may be extended by motion  
9 based on excusable neglect. Federal Rules of Bankruptcy Procedure, Rule 9006(b)(1) provides:

10 (b) Enlargement.

11 (1) In general. Except as provided in paragraphs (2) and (3) of this subdivision,  
12 when an act is required or allowed to be done at or within a specified period by  
13 these rules or by a notice given thereunder or by order of court, the court for cause  
14 shown may at any time in its discretion (1) with or without motion or notice order  
15 the period enlarged if the request therefor is made before the expiration of the  
16 period originally prescribed or as extended by a previous order or (2) on motion  
17 made after the expiration of the specified period permit the act to be done where the  
18 failure to act was the result of excusable neglect. Fed R. Bank. Proc. 9006(b)(1).

19 Emphasis supplied.

20 Determination of excusable neglect has been interpreted by the United States Supreme  
21 Court as an equitable consideration.

22 "We conclude the determination at bottom an equitable one, taking account  
23 of all relevant circumstances surrounding the party's omission. These include . . .the  
24 danger of prejudice to the debtor, the length of the delay and its potential  
25 impact on judicial proceedings, the reason for the delay, including whether  
26 it was within the reasonable control of the movant, and whether the movant  
27 acted in good faith."

1 *Pioneer Inv. Servs v. Brunswick Assoc. Ltd.P'ship*, 507 U.S. 380, 395 (1993).

2 Here, there is no danger of prejudice to the Debtors. Where the claim does not disrupt the  
3 distribution process, no prejudice will result. In re Sacred Heart Hosp. 186 B.R. 891, 897. ("Exactly  
4 how the debtor's assets are distributed is ultimately of little consequence to the debtor, so long as  
5 the claim is not filed so late as to disrupt the distribution process.") Further, the delay is not  
6 significant. The Trust has only completed determinations on approximately 40% of all claims.  
7 Allowing the late claim will not delay the proceedings. The reason for the delay in filing a claim  
8 was that the deadline was set after Brent's death; therefore, the likelihood of injustice is great if this  
9 claim is not permitted.

10 **V. CONCLUSION**

11 For all of the above reasons, the motion should be granted, and William Vicker's  
12 emotional distress claims should be allowed to proceed and be deemed timely.

13 DATED: May 9, 2022

LEVIN LAW GROUP PLC

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15 By: /s/ Emily S. Levin  
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17 Attorneys for William Vickers, Robert Vickers  
18 and John Vickers  
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